

REMARKS

Status of the Claims

The Office Action dated June 1, 2010 has been received and reviewed by the applicant. Claims 1-32 are pending in the application. Claims 1-25 and 27-32 stand rejected and claim 26 stands objected to.

A board decision has been rendered in this application on 3/29/2010. Before the decision, claims 6, 7, 10 and 26 were objected to as being allowable subject matter. However, upon closer review, the Examiner indicated that claims 6, 7 and 10 are not believed to be allowable, prompting this Non-Final Office Action. Claim 26 remains allowable. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, claim 26 is now included in claim 21 to put this claim in condition for allowance. Claim 21 now includes further clarifying amendments to more clearly define the invention.


Claims 8 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection states that claim 8 recites, "...the image utilization fields include a deletion field indicating whether the digital camera should delete the captured image..." The rejection further states that claim 1 recites, "...the image utilization fields identifying respective instructions for utilization of one or more digital images by the external device..." The rejection concludes that claim 8 contradicts the language of claim 1 where the one of the image utilization fields instructs the digital camera not the external device, and a similar contradiction exist between claim 21 and 24.

In response, claim 8 is canceled so this portion of the rejection is now moot, and claim 24 is amended to remove any purported ambiguities.

The Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.